

UNITED STATES OF AMERICA,
Plaintiff,
v.
DEONDRE CORDELL HIGGINS,
Defendant.

**ORDER (1) ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (DOC. 179), AND (2) GRANTING IN PART AND DENYING IN
PART DEFENDANT'S MOTION TO SUPPRESS THIRD-PARTY STATEMENTS (DOC.
129)**

On September 13, 2010, the Honorable Robert E. Larsen issued his Report and Recommendation concluding that the Court should grant in part and deny in part Defendant's first motion in limine, construed as a motion to suppress. Neither party filed objections to the Report and Recommendation, and the time for doing so has passed. 28 U.S.C. § 636(b)(1)(C); Local Rule 74.1(a)(2). Upon careful and independent review of the pending motion, as well as the applicable law, the Court agrees with the Report that testimony relating to the January 6, 2008, traffic stop should be excluded at trial. The Court further agrees that testimony should be admitted relating to conspiratorial activities both preceding and subsequent to the January 6, 2008 traffic stop; relationships with and amongst the alleged co-conspirators; the January 15, 2008 undercover operation; and the undercover operation that occurred on January 28-29, 2008. Accordingly, Judge Larsen's Report and Recommendation (Doc. # 179) is adopted as the Order of the Court, and Defendant's motion is granted in part and denied in part.

IT IS SO ORDERED.

DATE: September 26, 2010

/s/ Ortrie D. Smith
ORTRIE D. SMITH, JUDGE
UNITED STATES DISTRICT COURT